

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALBERTO CRUZ

Plaintiff,

ORDER

1:21-CV-10184-GRJ

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

GARY R. JONES, United States Magistrate Judge:

Pending before the Court is the parties' Stipulation for attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412. (Docket No. 35.) The parties have stipulated that Plaintiff should be awarded four thousand four hundred thirty-four dollars (\$4,434.00) in attorney's fees under the Equal Access to Justice Act.

Upon due consideration, it is **ORDERED**:

1. Plaintiff is awarded attorney's fees under the EAJA in the amount of **\$4,434.00**. The payment of attorney's fees is subject to any offsetting debt owed by the Plaintiff to the United States. Before the Commissioner shall be obligated to pay the EAJA fees and costs, the Commissioner must determine whether Plaintiff owes a debt to the

government. In the event the United States Department of the Treasury determines that Plaintiff does not owe a federal debt, the Commissioner must then pay the fees directly to Plaintiff's counsel.

2. The Clerk is directed to terminate Plaintiff's Motion for Attorney's Fees, Docket No. 32, as a pending motion.

Dated: February 23, 2023

s / Gary R. Jones
GARY R. JONES
United States Magistrate Judge